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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MARK DAVID FOX, ESQ. 588 SUTTER STREET SUITE 555 SAN FRANCISCO, CA 94102			EXAMINER NGUYEN, KHAI MINH	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 01/23/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,926

Applicant(s)

DOULTON, DANIEL MICHAEL

Examiner

KHAI M. NGUYEN

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/25/2008 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-9, 11, and 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gress et al. (U.S.Pub-20060128409), in view of Helferich (U.S.Pub-20050176451), in view of McLaughlin et al. (U.S.Pub-20060058049), and further in view of Scherer (U.S.Pat-5867562).

Regarding claim 1, Gress teaches a method of providing voicemail to a mobile telephone, in which a caller initiates a voice call to the mobile telephone, but that call is diverted to a voicemail server, with the caller then leaving a voice message on the voicemail server; the method comprising the steps of:

(d) sending the audio file (not show) over a transcription system comprising a network of computers ([0012]-[0014]);

(f) the human operator intelligently transcribing the audio file (not show) to generate a transcribed SMS or MMS text message ([0012]-[0014]);

(g) the human operator (not show) causing the transcribed SMS or MMS text message to be sent to the mobile telephone ([0012]-[0014]);

(i) sending the SMS or MMS text message to the mobile telephone ([0025]-[0027]).

Gress fails to specifically disclose (c) converting the stored voice message to an audio file format; and (e) one of the networked computers playing back the audio file to human operator.

However, Helferich teaches (c) converting the stored voice message to an audio file format ([0016] and [0098]); and (e) one of the networked computers playing back the audio file to human operator (not show) ([0003]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Helferich to Gress to be easily transmit a voice reply message to the mobile phone.

Gress and Helferich fail to specifically disclose human operator.

However, McLaughlin teaches human operator ([0091]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of McLaughlin to Gress and Helferich to provide textual communication and call transferring between nodes.

Gress, Helferich, and McLaughlin fail to specifically (a) generating an i/d; (b) assigning the i/d to a stored voice message; (h) embedding the i/d into the SMS or MMS text message; and (i) retrieving the stored voice mail message assigned to the i/d.

However, Scherer teaches (a) generating an i/d (col.32, lines 13-33); (b) assigning the i/d to a stored voice message (col.32, lines 13-33); (h) embedding the i/d into the SMS or MMS text message (col.32, lines 13-33); and (i) retrieving the stored voice mail message assigned to the i/d (col.32, lines 13-33).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Scherer to Gress, Helferich, and McLaughlin to a system for providing screening information about the calling party and/or call origination party.

Regarding claim 2, Gress, Helferich, McLaughlin, and Scherer further teach the method of claim 1 in which the transcribed text message includes a unique identification that links the text message to the voice message held at the voicemail server (see Gress, [0012]-[0014]) to allow that voice message to be played back (see Helferich, [0003]) to the wireless information device by an end-user selecting an option displayed on the device that relates to the transcribed text message (see McLaughlin, [0209]-[0212]).

Regarding claim 4, Gress, Helferich, McLaughlin, and Scherer further teach the method of claim 1 in which the voice message is originated at a mobile telephone or at a landline telephone (see Gress, fig.1, wireless SMS devices 12, [0020]).

Regarding claim 5, Gress, Helferich, McLaughlin, and Scherer further teach the method of claim 1 in which the transcribed text message has added to it caller identification data, such as a telephone number or caller name (see Gress, [0005], [0029]-[0030]).

Regarding claim 6, Gress, Helferich, McLaughlin, and Scherer further teach the method of claim 5 in which the transcribed text message is displayed on the device as though it was sent directly from an originator of the voice message (see Gress, [0012]-[0014]).

Regarding claim 7, Gress, Helferich, McLaughlin, and Scherer further teach the method of claim 3 in which the computer does not display to the human operator (see McLaughlin, [0091]) the telephone number associated with the wireless information device (see McLaughlin, [0090]-[0091]).

Regarding claim 8, Gress, Helferich, McLaughlin, and Scherer further teach the method of claim 1 in which the computer displays to the human operator (see McLaughlin, [0091]) an option to re-route the audio file (see McLaughlin, [0209]-[0212]) to a different computer with human operator (see McLaughlin, [0091]) that is more suited to transcribing the voice message because of linguistic, dialect, or cultural reasons (see Gress, [0012]-[0014]).

Regarding claim 9, Gress, Helferich, McLaughlin, and Scherer further teach the method of claim 1 in which the computer provides the human operator (see McLaughlin, [0091]) with a searchable list of specialised terms that are relevant to cultural sayings, regular events, sporting events, media events, other kinds of newsworthy events to assist the human operator (see McLaughlin, [0091]) in accurately transcribing those specialised terms (see Gress, [0012]-[0014]).

Regarding claim 11, Gress, Helferich, McLaughlin, and Scherer further teach the method of claim 1 in which the human operator (see McLaughlin, [0091]) succinctly summarises the voice message (see Gress, [0014], [0020]-[0021]).

Regarding claim 13, Gress, Helferich, McLaughlin, and Scherer further teach the method of claim 1 in which the human operator omits from the transcribed text message any hesitations, artefacts, or repetitions present in the voice message (see McLaughlin, [0091], see Gress, [0014], [0020]-[0021]).

Regarding claim 14, Gress, Helferich, McLaughlin, and Scherer further teach the method of claim 1 in which the text message is sent to the wireless information device in a format previously specified as appropriate by the user of the device (see Gress, [0012]-[0014], [0029]-[0030]).

Regarding claim 15, Gress, Helferich, McLaughlin, and Scherer further teach the method of claim 1 in which the text message is sent as an SMS, MMS, e-mail or fax (see Gress, [0029]-[0030]).

Regarding claim 16, Gress, Helferich, McLaughlin, and Scherer further teach the method of claim 1 comprising the further step of parsing the transcribed text message and using the parsed data in an application running on the wireless information device (see Gress, [0012]-[0014], [0029]-[0030]).

Regarding claim 17, Gress, Helferich, McLaughlin, and Scherer further teach the method of claim 16 in which parsing and using the parsed data involves one or more of the following:

(a) extracting the phone number spoken allowing it to be used (to make a call), saved, edited or added to a phone book (see Gress, [0012]-[0014]);

(b) extracting an email address and allowing it to be used, saved, edited or added to an address book (see Gress, [0012]-[0014]);

(c) extracting a physical address and allowing it to be used, saved, edited or added to an address book (see Gress, [0012]-[0014]);

(d) extracting a web address (hyperlink) and allow it to be used, edited, saved or added to an address book or browser favourites (see Gress, [0012]-[0014]);

(e) extracting a time for a meeting and allow it to be used, saved, edited and added to an agenda as an entry (see Gress, [0012]-[0014]);

(f) extracting a number and saving it to one of the device applications (see Gress, [0012]-[0014]);

(g) extracting a real noun and providing options to search for it or, look it up on the web (WAP or full browser) (see Gress, [0014], [0020]-[0021]).

Regarding claim 18, Gress, Helferich, McLaughlin, and Scherer further teach the method of claim 1 in which if the recording time of a voice message is less than a user set maximum time (see Helferich, [0073]), then the message is transcribed (see Gress, [0032], see McLaughlin, [0018]-[0019]), otherwise, it is not transcribed but instead a standard notification is sent to the user that they have a new voicemail to listen to (see Gress, [0032]-[0036]).

Regarding claim 19, Gress, Helferich, McLaughlin, and Scherer further teach the method of claim 18 in which a human operator listens to the voice message (see McLaughlin, [0209]-[0212]) and writes up a very short indication of the subject of the call which is sent to the message recipient (see Gress, [0032]-[0036]).

Regarding claim 20, Gress, Helferich, McLaughlin, and Scherer further teach the method of claim 18 in which, for devices that support less than a certain amount of text, there is an initial Look up of the text limitations in a database and then an automatic suggestion of appropriate maximum recording time (see Helferich, [0073]).

Regarding claim 21, Gress, Helferich, McLaughlin, and Scherer further teach a text message which has been transcribed from a voicemail and is provided to a wireless information device using the method of claim 1 (see Gress, [0012]-[0014]).

4. Claims 3, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gress et al. (U.S.Pub-20060128409), in view of Helferich (U.S.Pub-20050176451), in view of McLaughlin et al. (U.S.Pub-20060058049), in view of Scherer (U.S.Pat-5867562), and further in view of Martin (U.S.Pat-6606373).

Regarding claim 3, Gress, Helferich, McLaughlin, and Scherer further teach the method of claim 1,

Gress, Helferich, McLaughlin, and Scherer fail to specifically disclose audio file the transcribed text message has added to it the time and date that the voice message was originally received at the voice mail server.

However, Martin teaches the transcribed text message has added to it the time and date that the voice message was originally received at the voice mail server (col.16, lines 30-65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Martin to Gress, Helferich, McLaughlin, and Scherer to covert voice message to text message, and transmitting a text message to a mobile.

Regarding claim 10, Gress, Helferich, McLaughlin, and Scherer further teach the method of claim 1, which the human operator represents (see McLaughlin, [0091]) the mood of the caller leaving the voice message in the transcribed text message using either a written description or an emoticon (not specifically disclose)

However, Gress, Helferich, McLaughlin, and Scherer fail to specifically disclose the mood of the caller leaving the voice message in the transcribed text message using either a written description or an emoticon.

However, Martin teaches the mood of the caller leaving the voice message in the transcribed text message using either a written description or an emoticon (col.7, lines 30-45).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Martin to Gress, Helferich, McLaughlin, and Scherer to covert voice message to text message, and transmitting a text message to a mobile.

Regarding claim 12, Gress, Helferich, McLaughlin, Scherer, and Martin further teach the method of claim 10 in which the human operator (see McLaughlin, [0091], summarises the voice message to fit the 160 character SMS limit or concatenated text messages (see Martin, col.7, lines 30-45).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI M. NGUYEN whose telephone number is (571)272-7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571.272.7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617
/Khai M Nguyen/

Examiner, Art Unit 2617

1/13/2009